

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 14, 1950
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass Presiding.

Roll Call:

Present: Councilmen Drake, Long, MacCorkle, Mayor Glass
Absent: Councilman Johnson

Present also: Walter E. Seaholm, City Manager; Trueman E. O'Quinn, City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

Councilman MacCorkle moved that since copies of the minutes of the last meeting of the City Council have been furnished Council members by the City Clerk, the reading of the minutes be dispensed with and that the minutes be approved as individually read by the Council in the Clerk's report. Upon being duly seconded by Councilman Drake, the motion was unanimously adopted by the Council, and the minutes so approved.

MRS. J. L. WIER, 2003 Garden, appeared before the Council making inquiry of their decision pending from last week, regarding her permit to rebuild her home. Later in the meeting and after discussion, Councilman Long moved that the City Manager dispose of this matter in the most fair and equitable manner. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass
Noes: None
Absent: Councilman Johnson

MR. ED. BARKLEY, and a group of citizens living just outside the City limits appeared before the Council complaining of the "City Dump", at St. Edwards College. The City Manager stated that their trouble was not with the compost manufacture plan, but with private individuals and concerns using this area after shut-down hours and without supervision. He stated plans were under way to keep a guard at the location. The citizens complained of fires starting

and stated there was a fire burning all the time, even though trucks had hauled water out there to extinguish it, and had spread dirt over the garbage; and it was this constant smouldering that bothered them. The Council stated that the fire would be put out; and that it believed by keeping a guard at the location and keeping people from dumping their trash there, that their problem would be solved; that the compost manufacturing plan was working out all right, and that this probably was not their trouble.

The Council received a report from the City Manager that the following applications for change of zoning were referred to the Zoning Board of Adjustment for consideration and recommendation:

T. A. BEARD	1713 West 35th Street	From "A" Residence To "C" Commercial
ANTHONY COLONNETTA	1106-08 Eason Street	From "A" Residence To "C" Commercial
JOE PROWSE, J. C. KELT- NER, G. F. ECKHARDT	3203 Helms Street and 200-202 East 32nd St.	From "A" Residence To "B-1" Residence
MRS. GEORGE T. RANS- DELL	607 S. Lamar Boulevard	From "A" Residence To "C" Commercial

The Mayor brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE AMENDING AN ORDINANCE ENTITLED 'AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES, AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL ON APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I" AT PAGES 301-318 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY ENACTING

A COMPREHENSIVE REVISION, IMPROVEMENT, AND AMENDMENT OF SAID ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY, " WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL JULY 17, 1941, AND IS RECORDED IN ORDINANCE BOOK "L", PAGES 152 to 174, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY ADDING TO SECTION 7 OF SAID ORDINANCE PARAGRAPH #3 TO PERMIT THE SALE OF BEER AS DEFINED BY STATE LAW IN CASES OF UNBROKEN CARTONS CONTAINING NOT LESS THAN SIX BOTTLES OR CANS FOR OFF-PREMISE CONSUMPTION ONLY; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the second time, and Councilman Drake moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass
Noes: None
Absent: Councilman Johnson

The ordinance was read the third time, and Councilman Drake moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass
Noes: None
Absent: Councilman Johnson
Mayor Glass then announced that the ordinance had been finally passed.

Public hearing, advertised for 11:00 A.M. this date, on the following application for change of zoning was held:

HERMAN E. BECKER	301 Chicon and 1904-2010 E. 3rd Street	From "B" Residence To "C" Commercial and "D" Industrial RECOMMENDED by the Zoning Board of Adjustment.
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There was no opposition present. Councilman MacCorkle moved that the recommendation of the Zoning Board be upheld and the requested change granted, and the City Attorney instructed to draw up the necessary ordinance. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass
Noes: None
Absent: Councilman Johnson

MR. A. B. ROSSON came before the council making further complaint about the dogs running loose, stating quite a few people over the town were complaining about it, and that he had taken the matter up with Dr. Cox, who stated it was a health hazard. The Mayor stated all dogs were being picked up that did not have tags.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the addition of a building located at 720-22 Brazos Street and desires a portion of the sidewalk and street space abutting Lot 7, Block 84, Original City of Austin, Travis County, Texas, during the addition of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southwest corner of the above described property; thence in an easterly direction and at right angles to the centerline of Brazos Street to a point 12 feet east of the west curb line; thence in a northerly direction and parallel with the centerline of Brazos Street approximately 49 feet to a point; thence in a westerly direction and at right angles to the centerline of Brazos Street to the northeast corner of the above described property; thence in a northerly direction and at right angles to the centerline of East 8th Street to a point 12 feet north of the south curb line; thence in a westerly direction and parallel with the centerline of East 8th Street approximately 160 feet to a point; thence in a southerly direction and at right angles to the centerline of East 8th Street to the northwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted, a substantial walkway at least 4 feet wide in the clear on the inside and at least 8 feet high, the same to be covered solidly on the street side with boards to a height of 4 feet above pavement and on the building side to be covered solidly with boards to a height of 8 feet. The top of the walkway shall be covered solidly with boards at least 2 inches thick, which shall be supported at intervals sufficiently close to prevent sagging of the roofing boards. The roof of said walkway shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at all times. No wood strips or obstructions of any kind shall be permitted along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2). That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use,

and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3). That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4). That "No Parking" signs shall be placed on the street side of the barricades.

(5). That the Contractor is permitted to construct a temporary work office within such allotted working space, provided such work office is not within 25 feet of any corner street intersection.

(6). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8). That the Contractor shall place on the outside corners of any walkway, barricades, or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than July 1, 1951.

(10). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it:

(11). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass
Noes: None
Absent: Councilman Johnson

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Jung Addition, Section One", approved by the City Plan Commission of the City of Austin on August 10, 1950, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass
Noes: None
Absent: Councilman Johnson

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Sterling W. Adair has made application in writing for permission to use and maintain in her residence a child's nursery on the north 1/2 of Lot 8 and the northwest 31x64' of Lot 7, Block 103, Original City, the same being on the southeast corner of the intersection of West 9th and Rio Grande Streets, and locally known as 809 Rio Grande Street, and is located in a "B" Residence District, which under Section #5, Item #6 of the Zoning Ordinance, requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission for the use and maintenance of this child's nursery in her residence be granted to Mrs. Sterling W. Adair.

Which motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass
Noes: None
Absent: Councilman Johnson

The recommendation of the City Manager submitted at the Council Meeting of September 7, 1950, regarding a five-day work week for city employees, was again presented. Councilman Long moved that the City Manager be instructed to continue the five-day schedule, with the exception that skeleton crews be maintained on Saturday mornings in places where he thought needed. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass
Noes: None
Absent: Councilman Long

The City Manager submitted the following recommendation:

September 14, 1950

"SUBJECT: BRACKENRIDGE HOSPITAL CONSULTANT

"As I had previously reported to you, our Hospital Advisory Board met with Dr. Smith a few weeks ago for a very frank and educational discussion of the Brackenridge Hospital expansion.

"We have since received a proposition from Dr. Herman Smith outlining the work in that connection. He sets forth his fee as .875 per cent of the cost of the improvements. It is estimated that this will approximate \$11,000.00.

"He agrees, however, that the studies, etc., for which he was employed concerning the administrative program would be included in this building program fee. Contract for this service provided for \$2,500.00 plus travelling expenses.

"It is the joint recommendation of the Advisory Board and your City Manager that Dr. Smith's contract be further enlarged to include his services as consultant on the hospital expansion program.

"Dr. Smith has already conferred with the Medical Executive Staff of the hospital and discussed with them many of the details involved in the hospital.

"For your information, I might add that the recommendation of the Board has been wholeheartedly endorsed by the doctors of our city.

"We should like to extend Dr. Smith's contract as consultant on the Brackenridge project, if this meets with the approval of the Council."
(S) WALTER E. SEAHOLM

Councilman Long moved that the recommendation of the City Manager be accepted. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass
Noes: None
Absent: Councilman Johnson

The Mayor brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING IN CERTAIN PARTICULARS THAT CERTAIN ORDINANCE ENTITLED, "AN ORDINANCE REGULATING TAXICAB SERVICES IN THE CITY OF AUSTIN AND PRESCRIBING RULES AND STANDARDS FOR THE OPERATION AND CONTROL OF SUCH SERVICES IN THE PUBLIC INTEREST; PROVIDING FOR THE GRANTING OF FRANCHISES FOR TAXICAB SERVICES AND CREATING THE TAXICAB FRANCHISE COMMISSION; REQUIRING REGISTRATION OF ALL DRIVERS OF TAXICABS; REQUIRING THE INSTALLATION OF TAXIMETERS ON ALL TAXICABS AND FIXING MAXIMUM FARES; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVING CLAUSE; PRESCRIBING PENALTIES FOR VIOLATION OF THIS ORDINANCE; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL JUNE 8, 1950, AND IS RECORDED IN BOOK "P", PAGES 321-345, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTIONS 34, 37(c), 56 AND 65; AND DECLARING AN EMERGENCY.

The ordinance was read the second time, and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass
Noes: None
Absent: Councilman Johnson

The ordinance was read the third time, and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass
Noes: None
Absent: Councilman Johnson

The Mayor then announced that the ordinance had been finally passed.

The Mayor introduced the following ordinance:

AN ORDINANCE DEFINING THE TERM "DWELLING UNIT;" PRESCRIBING MINIMUM STANDARDS FOR HOUSES, BUILDINGS, STRUCTURES, OR PARTS THEREOF, HEREAFTER CONSTRUCTED, ERECTED, ESTABLISHED, OR ALTERED, CONTAINING OR TO CONTAIN ONE OR MORE DWELLING UNITS; PRESCRIBING PREREQUISITES TO THE ISSUANCE OF CERTAIN BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY; PROHIBITING THE CONSTRUCTION, ERECTION, ESTABLISHMENT, OR ALTERATION OF ANY SUCH HOUSE, BUILDING, STRUCTURE, OR PART THEREOF WITHOUT COMPLYING WITH THE MINIMUM STANDARDS HEREIN PRESCRIBED; PROHIBITING THE OCCUPANCY OF ANY SUCH HOUSE, BUILDING, STRUCTURE, OR PART THEREOF, HEREAFTER

CONSTRUCTED, ERECTED, ESTABLISHED OR ALTERED
WITHOUT COMPLYING WITH THE MINIMUM STANDARDS
HEREIN PRESCRIBED; PRESCRIBING PENALTIES FOR
VIOLATION; AND DECLARING AN EMERGENCY.

The ordinance was laid over.

The Council received and referred to the City Manager the following petition, signed by citizens living in the 1300 block of Nueces and in the 600 blocks of West 13th and West 14th.

"We the following property owners and tenants living adjacent to the alley connecting Nueces and Rio Grande Streets in the 1300 block, which alley is used by the public as a street as it runs into West 13 $\frac{1}{2}$ Street at the intersection of Rio Grande, petition the City to treat such alley with asphalt-oil and water. This alley is adjacent to the High School and the heavy traffic is greatly increasing during the school term.

"The tremendous clouds of dust caused by the heavy school traffic is not only annoying but, in our opinion, is injurious to the health of those living adjacent thereto."

The City Manager submitted a recommendation of the Chief of Police that the taxi-cab permit of MELVIN PANNEL, No. 374, be revoked, as he was arrested for driving while intoxicated. Councilman Drake moved that the recommendation of the Chief of Police be upheld, and the Permit be revoked. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass
Noes: None
Absent: Councilman Johnson

The City Manager presented the following recommendations from the Director of Public Works, with his approval:

"Bids were received and opened at 10:00 A.M., September 8, 1950 for the Construction of two storm sewers as follows:

UNIT - I - through City property on Airport Blvd. from
Schieffer Avenue to Wilshire Blvd.

KARL B. WAGNER is low with his bid of \$15,200.00
and I recommend that he be awarded the contract.

Following are the individual bids:

Karl B. Wagner	\$15,200.00
Richard Schmidt & Son	16,190.00
Collins Construction Co.	16,395.00
Joe Bland Construction Co.	17,830.00

UNIT - II - Easement north of 30th street from Alley East of Guadalupe Street to alley east of Fruth Street.

RICHARD SCHMIDT & SON are low with their bid of \$6,064.00 and I recommend that they be awarded the contract.

Following are the individual bids:

Richard Schmidt & Son	\$ 6,064.00
Joe Bland Construction Co.	6,529.00
Karl B. Wagner	7,744.00

"The City's estimate on both these projects is \$18,580.00."

Councilman MacCorkle moved that the contract for Unit I for storm sewer through City property on Airport Blvd. from Schieffer Avenue to Wilshire Blvd., be awarded to KARL B. WAGNER, low bidder at \$15,200.00; and that the contract for Unit II for storm sewer in the easement north of 30th Street from alley East of Guadalupe Street to Alley east of Fruth Street, be awarded to RICHARD SCHMIDT & SON, low bidder at \$6,064.00. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass
Noes: None
Absent: Councilman Johnson

Councilman MacCorkle stated he was interested in obtaining some information, and listed it as follows:

1. What percent of the budget is coming from taxation.
2. What percent of the budget is coming from real property and what percent from personal property.
3. Information of the inventory lists that are required.
4. The amount of delinquent taxes, both personal and real.

The City Manager stated this information would be submitted to him.

There being no further business, the Council adjourned subject to call of the Mayor at 12:00.

APPROVED: _____

Mayor

ATTEST:

Chris Moosley
City Clerk